

26 May 2014

Mr Anthony Jordan  
fyi-request-1638-56f37b05@requests.fyi.org.nz

Dear Mr Jordan

### **Official Information Act request**

Thank you for your request of 30 April 2014 for information under the Official Information Act 1982 (the Act), asking for the following:

*Would the ACC please provide proper format it wishes clients to use or a downloadable application in order to revoke and have destroyed any information obtained illegally under the ACC 167 document used prior to the recent court finding*

### **The Court's Judgment**

In your request of 30 April you refer to the Court's recent decision regarding ACC's use of the ACC167 form, and indicate that the Court ruled that the form itself is illegal. It might help if I begin my response by providing a brief explanation of the Court's decision.

The decision states that the Corporation cannot refuse to pay entitlements because a client has declined to sign the ACC167 form. The Court accepted that ACC has a 'clear and justified interest' in collecting a wide range of information, but it also said the breadth of authority granted by the current wording of the ACC167 exceeded the scope which the Court thinks is necessary for ACC to hold. It is important to note that the Court did not say that the form itself is illegal, nor did it say that information collected using the ACC167 was obtained illegally.

### **How does a client apply to remove information previously gathered by ACC using the ACC167?**

If a client wishes to have information removed from their claim file, which was previously obtained using an ACC167 form, they should contact their Case Manager, or the Branch where their case was managed, to discuss their concerns. There is not a form available for clients to use to indicate that they have concerns about the information ACC has previously collected.

When a client contacts their case manager they should explain what information they would like removed from their claim file, and why. If necessary, the case manager can refer the client's concerns to an ACC Privacy Officer to consider and investigate. At the conclusion of the investigation the Privacy Officer will notify the client of their decision, and the reasons for their decision, on whether the information the client is concerned about should be removed from their file.

ACC needs to retain the information it has collected on a client's file where it is directly relevant to decisions made on the client's claim. If information cannot be removed as requested, one possible outcome is for the client to attach a statement to their file that outlines their request to remove certain information.

Additionally, ACC has set up a dedicated 0800 number (0800 745 254), for clients who have consent concerns about the ACC167 form. Work is continuing, where possible, to identify clients with concerns.

Please contact me at [Stephanie.Lewis@acc.co.nz](mailto:Stephanie.Lewis@acc.co.nz) if you have any questions about this letter.

If you're unhappy with ACC's response, you may make a complaint to the Office of the Ombudsman. You can call them on 0800 802 602 between 9am and 5pm on weekdays, or write to:

The Office of the Ombudsman  
PO Box 10152  
WELLINGTON 6143

Yours sincerely



Stephanie Lewis  
**Advisor, Government Services**